

Industry: **Big Ox Energy Siouxland, LLC**  
Address: **1616 D Avenue**  
**South Sioux City, NE 68776**  
IU Permit No.: **2018-31-I**

**NOTICE OF VIOLATION**  
**City of Sioux City, Iowa**  
**Industrial Pretreatment Program**

**LEGAL AUTHORITY**

The following findings are issued and notice provided pursuant to the authority vested in the City of Sioux City, Iowa Industrial Pretreatment Program, under Title 13 of the Sioux City Municipal Code "Sewers". This order is based on findings of violation of the conditions of the wastewater discharge permit issued under 13.07.270 of the City's Sewers and Sewer Disposal Ordinance.

**FINDINGS**

1. The City of Sioux City, Iowa is charged with the construction, maintenance, and control of the sewer system and treatment works.
2. To protect the sewer system and treatment works, the City of Sioux City, Iowa administers a pretreatment program.
3. Under this pretreatment program, **Big Ox Energy Siouxland** was issued a discharge permit.
4. On June 29, 2018, the City of Sioux City issued a Compliance Order to **Big Ox Energy Siouxland** which required pollutant loadings (**TSS**) to be less than **48,509 lbs./day** as a maximum daily limitation.
5. On November 25, 2018, Reissued Permit No. 2018-31-I went into effect. The permit incorporates the above daily maximum loading limit of **48,509 lbs. TSS** as well as a **monthly average not to exceed 20,000 lbs. TSS**.
6. On December 16 and 17, 2018, **Big Ox Energy Siouxland** discharged an exceedance of the maximum daily limitation of **48,509 lbs. TSS** per Permit No. 2018-31-I. A fine of \$1,000 per day per violation is hereby issued.
  - December 16, 2018- 68,175 lbs. TSS
  - December 17, 2018- 158,775 lbs. TSS
7. Each NOV requires a written response within 10 days of receipt stating, at a minimum, an explanation for the violation(s) and a plan to mitigate similar violation(s) in the future. Big Ox was required to respond to NOV 12-7-2017(hand delivered and signed on receipt) by 12-17-2018. The response is now 8 days past due. These responses are necessary to ensure that NOV's are regarded seriously and that actions have been taken to address the non-compliance. Late reports will be fully enforced from the date that it is due until the date that it is received. Reports more than 30 days late are SNC. Note that response for NOV 12-17-2018 is due 12-27-2018.
  - Late report NOV 12-7-2018 (response due 12-17-2018) 8 days at \$1,000 per day= \$8,000
8. As outlined above, the total fine for the violations documented above amounts to \$10,000. This is in addition to any fines or charges previously issued. Fines will be assessed on the next sewer use surcharge invoice and are non-negotiable.

**NOTICE AND REQUIRED ACTIONS**

**THEREFORE, BASED ON THE ABOVE FINDINGS, BIG OX ENERGY SIOUXLAND IS HEREBY NOTIFIED THAT:**

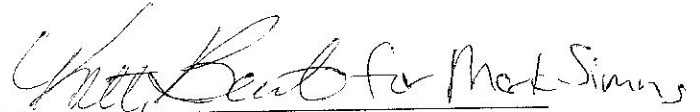
It is an on-going violation of its discharge permit and the Title 13 of the Sioux City Municipal Code "Sewers" of Sioux City, Iowa and the following specific actions are required. Note that these items are contingent on the consent of the regulatory authorities for the Sioux City, Iowa POTW.

1. Within 10 Days of receiving this letter, **Big Ox Energy Siouxland** must respond in writing with the following information:
  - An explanation for the violation(s)
  - A plan to mitigate this type of violation(s) in the future
2. All requirements in previously-issued Orders are fully in-effect including fines and notification requirements.

Signatures



Craig Samek  
Industrial Pretreatment Coordinator  
City of Sioux City, Iowa



Mark Simms  
Utilities Director  
City of Sioux City, Iowa

December 26, 2018

Date of Issuance of NOV

Copy:

IDNR

NDEQ

City of South Sioux City

